

FEDERAL-AID HIGHWAY ACT OF 1970

DECEMBER 17, 1970.—Ordered to be printed

Mr. FALLON, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 19504]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of \$2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of \$4,000,000,000 for the fiscal year ending, June 30, 1976".

(1)

AUTHORIZATION OF USE OF COST ESTIMATE FOR
APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPETITION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1976".

(b) (1) The introductory phrase and the second and third sentences of section 104(b) (5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1976".

(2) Such section 104(b) (5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1976."

HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, \$1,100,000,000 for the fiscal year ending

June 30, 1972, and \$1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending June 30, 1972, and \$125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, out of the Highway Trust Fund, \$33,000,000 for the fiscal year ending June 30, 1972, and \$33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, out of the Highway Trust Fund, \$16,000,000 for the fiscal year ending June 30, 1972, and \$16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, \$170,000,000 for the fiscal year ending June 30, 1972, and \$170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, \$5,000,000 for the fiscal year ending June 30, 1972, and \$10,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, \$30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, \$20,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973.

(11) For Indian reservation roads and bridges, \$30,000,000 for the fiscal year ending June 30, 1972, and \$30,000,000 for the fiscal year ending June 30, 1973.

(12) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), \$1,500,000 for fiscal year ending June 30, 1972, and \$10,000,000 for fiscal year ending June 30, 1973.

(13) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code,

\$1,500,000 for the fiscal year ending June 30, 1971, \$1,500,000 for the fiscal year ending June 30, 1972, and \$3,000,000 for the fiscal year ending June 30, 1973.

(14) Nothing in the first eleven paragraphs of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(b) (1) No State shall receive less than one-half of 1 per centum of the total apportionment for each of the fiscal years 1972 and 1973 under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed \$55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act, as required by the first sentence of this paragraph.

(2) By January 1, 1972, the Secretary shall report to Congress on his recommendation for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in subsection (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b) (1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, and designed taking into consideration the highest traffic volume corridors, and the longest trips within such area and shall be selected so as to best serve the goals and objectives of the community as determined by the responsible local officials of such

urbanized area based upon the planning process required pursuant to the provisions of section 134 of this title. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials and the State highway departments in cooperation with each other subject to the approval of the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3 and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(3) Subsection (a) of section 103 of title 23, United States Code, is amended to read as follows:

"(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section."

(c) (1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials and the State highway department in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and

inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of title 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. (a) The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, and prior to

December 31, 1970, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

(b) Section 120 (f) of title 23, United States Code, is amended by adding before the last sentence thereof the following new sentence: "As used in this section with respect to bridges and in section 144 of this title, 'a comparable facility' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life."

TRAINING PROGRAMS

SEC. 110. Section 149 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. Whenever an apportionment is made under subsections 104(b) (1), (b) (2), (b) (3), (b) (5), and (b) (6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within urban areas, the Interstate System, and the Federal-aid urban system for the fiscal years 1972 and 1973 the Secretary shall deduct such sums as he may deem necessary not to exceed \$5 million per fiscal year, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary."

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section, other than a project for fringe or transportation corridor parking facilities, shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

TERRITORIAL HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Territorial highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands, Guam, and American Samoa, and to the United States from the improvement of highways in such territories of the United States, the Secretary is authorized to assist each such territorial government in a program for the construction and improvement of a system of arterial highways, and necessary interisland connectors designated by the Governor of such territory and approved by the Secretary. Federal financial assistance shall be granted under this subsection to such territories upon the basis of a Federal contribution of 70 per centum of the cost of any project.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance for the establishment of an appropriate agency to administer on a continuing basis highway planning, design, construction and maintenance operations, the development of a system of arterial and collector highways, including necessary interisland connectors, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure with respect to any territory until the Governor enters into an agreement with the Secretary providing that the government of such territory (1) will design and construct a system of arterial and collector highways, including necessary interisland connectors, built in accordance with standards approved by the Secretary; (2) will not impose any toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of the facilities constructed or operated under the provisions of this section; (3) will provide for the maintenance of such facilities in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d) (1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Governor and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Territories highway development program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any sums in the Treasury not otherwise appropriated—

(1) not to exceed \$2,000,000 per fiscal year for the Virgin Islands for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(2) not to exceed \$2,000,000 per fiscal year for Guam for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(3) not to exceed \$500,000 per fiscal year for American Samoa for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(d) Sums authorized to be appropriated for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. Darien Gap Highway

"(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway'. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

:(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed \$100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a) (1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the Secretary of Transportation, with the approval of the President. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 321. National Highway Institute

"(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, tech-

niques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United States Code is amended by striking out "\$13,000,000" and inserting in lieu thereof "\$16,761,000".

(b) All sums appropriated under authority of the increased authorization of \$3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§ 510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska High-

way from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89-139), specific recommendations for the functional realignment of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realignment required by such subsection.

(c) *The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.*

(d) *As a part of the future highway needs report to be submitted to Congress in January 1972 the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.*

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$3,000,000 for the fiscal year ending June 30, 1970, not to exceed \$3,000,000 for the fiscal year ending June 30, 1971, not to exceed \$3,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$5,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of eleven members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) three persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States.

(c) The Chairman shall be elected from among the members of the Commission by a majority vote of such members. Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive \$100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future; (4) study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public; (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

(i) The Commission shall, not later than one year after the funding of this section submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report.

All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than \$200,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed \$100 per diem for individuals.

(p) *The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.*

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on July 1, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to July 1, 1973, of alternative segments of the Interstate System which will meet the requirements of this title. Any segment of the Interstate System with respect to which a State has not submitted plans, specifications, and estimates for approval by the Secretary by July 1, 1975, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under authority of the preceding sentence shall thereafter be designated as a part of the Interstate System."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Subsection (b) of section 135 of title 23, United States Code, is amended by striking out "if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: "If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (c) (3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. Economic growth center development highways

"(a) In order to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller

communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants to States for demonstration projects for the construction, reconstruction, and improvement of development highways on the Federal-aid primary system to serve and promote the development of economic growth centers and surrounding areas, encourage the location of business and industry in rural areas, facilitate the mobility of labor in sparsely populated areas, and provide rural citizens with improved highways to such public and private services as health care, recreation, employment, education, and cultural activities, or otherwise encourage the social and economic development of rural communities, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways on the Federal-aid primary system to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways on the Federal-aid primary system needed to provide appropriate access to such growth center, including publicly owned airport facilities and public ports for water transportation which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be increased by not to exceed an additional 20 per centum of the cost of such project, except that in no case shall the Federal share exceed 95 per centum of the cost of such project.

"(f) (1) Except in the case of a project subject to paragraph (2) of this subsection, no project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria

as he, after consultation with the Secretary of Commerce, deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth.

"(2) In the case of a project proposed to be conducted within the Appalachian region as defined in section 403 of the Appalachian Regional Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman of the Appalachian Regional Commission. In the case of a project proposed to be conducted within an economic development region as defined in title V of the Public Works and Economic Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman for such region and the Secretary of Commerce. In consultation with the appropriate official, the Secretary shall establish criteria for the selection of growth centers eligible for assistance under this section such that the aims and purposes set forth in subsection (a) of this section will be promoted. Such criteria shall include, but not be limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, (2) growth centers shall have a population not in excess of one hundred thousand persons according to the latest available Federal census, and (3) the selection of such growth centers within the Appalachian region and the economic development regions shall take into account the purposes of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth and he shall make arrangements for close coordination throughout the development and implementation of the project with the Federal Cochairman of the Appalachian Regional Commission, or with the appropriate Federal Cochairman of an economic development region, and the Secretary of Commerce, as the case may be.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed \$50,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State

for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 130. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 131. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes

shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT AND WATERPORT ACCESS

SEC. 132. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports and public ports for water transportation, and in approving such programs the Secretary shall give consideration to such projects."

FEDERAL PARTICIPATION IN THE IMPROVEMENT OF TOLL ROADS

SEC. 133. Section 129 of title 23, United States Code, is amended by redesignating subsection (e) as subsection (f), including any reference thereto, and by inserting immediately before such redesignated subsection (f) the following:

"(e) Notwithstanding the provisions of subsection (b) of this section, the Secretary may permit Federal participation in the reconstruction and improvement of any toll road providing for only two lanes of traffic, which is designated part of the Interstate System on the date of enactment of this subsection as he may find necessary to bring such two lane toll road to the geometric and construction standards for the Interstate System in order to provide for the safe use of such highway as part of the Interstate System and to facilitate the removal of tolls therefrom. Federal participation in such reconstruction and improvement shall be on the same basis and in the same manner as in the construction of free Interstate System highways under this chapter. No Federal participation shall be permitted pursuant to this subsection except on two lane toll roads which were designated as a part of the Interstate System on or before June 30, 1968. Before Federal participation under this subsection, the State highway department and the toll road authority involved shall enter into an agreement with the Secretary which shall provide that—

"(1) No indebtedness which is to be liquidated by the collection of tolls (in addition to indebtedness in existence on date of enactment in this subsection) shall be incurred after the date of enactment of this subsection;

"(2) all tolls received from the operation of the toll road, less the actual cost of such operation and maintenance, shall be applied to the repayment of only those bonds outstanding on the date of enactment of this subsection constituting a valid lien against such toll road and its maintenance and operation and debt service during the period of toll collection;

"(3) the toll road shall become free to the public upon collection of tolls sufficient to liquidate all such bonds."

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 134. (a) Section 137 of title 23, United States Code, is amended to read as follows:

"§ 137. Fringe and corridor parking facilities

"(a) The Secretary may approve as a project on the Federal-aid urban system the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

"(b) The Secretary shall not approve any project under this section until—

"(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

"(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including necessary requirements to insure that adequate public transportation services will be available to persons using such facility; and

"(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

"(c) The term 'parking facilities' for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

"(d) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

"(e) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

(b) The analysis of chapter 1 of such title is amended by striking out the matter relating to section 137 and inserting in lieu thereof the following:

"137. Fringe and corridor parking facilities."

(c) Section 11 of the Federal-Aid Highway Act of 1968 is hereby repealed.

PUBLIC HEARINGS

SEC. 135. (a) Subsection (a) of section 128 of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "Such certification shall be accompanied by a report which indicates the consideration given to the economic, social, environmental, and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered."

(b) Subsection (b) of such section 128 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and report."

ECONOMIC, SOCIAL, ENVIRONMENTAL, AND OTHER IMPACT

SEC. 136. (a) Section 109(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary shall issue within 30 days after the day of enactment of the Federal-Aid Highway Act of 1970 guidelines for minimizing possible soil erosion from highway construction. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines."

(b) Such section 109 is further amended by adding at the end thereof the following:

"(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

"(1) air, noise, and water pollution;

"(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

"(3) adverse employment effects, and tax and property value losses;

"(4) injurious displacement of people, businesses and farms; and

"(5) disruption of desirable community and regional growth. Such guidelines shall apply to all proposed projects with respect to which plans, specification, and estimates are approved by the Secretary after the issuance of such guidelines.

"(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for

any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards.

"(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended."

(c) Subsection (b) of section 307 of title 23, United States Code, is amended by adding the following sentence: "The highway research program herein authorized shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects."

INTEREST PAYMENTS FOR REPLACEMENT HOUSING

SEC. 137. Section 506 of title 23, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting a new subsection (b) as follows:

"(b) (1) In addition to the amounts otherwise authorized by this title, the State agency shall make an interest payment to compensate such owner for any increased rate of interest which such owner is required to pay for financing such replacement dwelling.

"(2) This interest payment shall be computed and allowed only if there was an existing mortgage against the dwelling transferred to the State and such mortgage was a valid lien on said premises for at least one year prior to the institution of negotiations for the acquisition of such property, and if the mortgage for the replacement dwelling bears a higher rate of interest than the interest rate on the mortgage of the transferred dwelling; but, in no event shall such interest on the replacement dwelling be greater than the maximum interest allowable under State law.

"(3) The value of the interest payment shall be the difference in the interest rate existing on the balance of any mortgage on a transferred dwelling and the interest rate on the mortgage of the replacement dwelling for the remainder of the term of any such mortgage on such transferred dwelling reduced to discounted present value.

"(4) The discount rate as above provided shall be the maximum rate of interest permitted to be paid on savings deposits by any savings bank within the State pursuant to the rules and regulations of the Federal Deposit Insurance Corporation."

ALASKAN ASSISTANCE

SEC. 138. (a) Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended to read as follows:

"(b) There is hereby authorized to be appropriated for construction of Federal-aid highways of the State of Alaska, out of the Highway Trust Fund and in addition to funds otherwise made available to the State of Alaska under title 23, United States Code, \$20,000,000 for each of the fiscal years ending June 30, 1972 and June 30, 1973."

(b) Any right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures reserved by section 321(d) of title 48, United States Code (61 Stat. 418, 1947), not utilized by the United States or by the State or territory of Alaska prior to the date of enactment hereof, shall be and hereby is vacated and relinquished by the United States to the end and intent that such reservation shall merge with the fee and be forever extinguished.

FERRY BOATS

SEC. 139. Section 129 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, subject to the following conditions:

"(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

"(2) The operation of the ferry shall be on a route which has been approved under section 103(b) or (c) of this title as a part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

"(3) Such ferry shall be publicly owned and operated.

"(4) The operating authority and the amount of fares charged for passage on such ferry shall be under the control of the State, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, and repair.

"(5) Such ferry shall be operated only within the State or between adjoining States, and no part of its operation shall be in any foreign or international waters.

"(6) No such ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unprogrammed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amount so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title."

FUTURE ADDITIONS TO INTERSTATE SYSTEM

SEC. 140. The existing language of section 139 of title 23, United States Code, shall be designated as subsection (a) and a new subsection (b) added as follows:

"(b) Whenever the Secretary determines that a highway on the Federal-aid primary system would be a logical addition or connection to the Interstate System and would qualify for designation as a route on that system in the same manner as set forth in paragraph 1 of subsection (d) of section 103 of this title, he may upon the affirmative recommendation of the State or States involved designate such highway as a future part of the Interstate System. Such designation shall be made only upon the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within twelve years of the date of the agreement between the Secretary and the

State or States involved. The mileage of any highway designated as a future part of the Interstate System under this subsection shall not be charged against the limitations established by the first sentence of section 103(d) of this title. The designation of a highway as a future part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway except that Federal-aid highway funds otherwise available to the State or States involved for the construction of Federal-aid primary system highways may be used for the reconstruction of a highway designated as a route on the Interstate System under this subsection. In the event that the State or States involved have not substantially completed the construction of any highway designated under this subsection within the time provided for in the agreement between the Secretary and State or States involved, the Secretary shall remove the designation of such highway as a future part of the Interstate System. Removal of such designation as result of failure to comply with the agreement provided for in this subsection shall in no way prohibit the Secretary from designating such route as part of the Interstate System pursuant to subsection (a) of this section or under any other provision of law providing for addition to the Interstate System. No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision thereof, shall refer to any highway under this section, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as such highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a part of the Interstate System."

DEFINITIONS

SEC. 141. Section 101(a) of title 23, United States Code, is amended as follows:

(1) The definition of the term "forest highway" is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and which is on a Federal-aid system."

(2) The definition of the term "public lands highways" is amended by striking out "means" and inserting in lieu thereof "means those" and by striking out the period at the end of such definition and inserting in lieu thereof a comma and the following: "which are on the Federal-aid systems."

COST REDUCTION

SEC. 142. Section 106 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis."

URBAN TRANSPORTATION PLANNING

SEC. 143. (a) Section 134 of title 23, United States Code, is amended by inserting "(a)" at the beginning of the first paragraph thereof and by adding at the end thereof the following:

"No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project."

(b) Section 134 of title 23, United States Code, is further amended by adding at the end thereof a new subsection as follows:

"(b) The Secretary may define those contiguous interstate areas of the Nation in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached, or is expected to reach, a critical volume in relation to the capacity of existing and planned transportation systems to efficiently accommodate present transportation demands and future growth. After consultation with the Governors and responsible local officials of affected States, the Secretary may by regulation designate, for administrative and planning purposes, as a critical transportation region or a critical transportation corridor each of those areas which he determines most urgently require the accelerated development of transportation systems embracing various modes of transport, in accordance with purposes of this section. The Secretary shall immediately notify such Governors and local officials of such designation. The Secretary may, after consultation with the Governors and the responsible local officials of the affected States, provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning, including highway planning, to meet the needs of such regions or corridors, composed of representatives of the affected States and metropolitan areas, and may provide assistance including financial assistance to such bodies. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$500,000 to carry out this subsection."

STUDY OF RELATIONSHIP OF HIGHWAY CONSTRUCTION TO PUBLIC TRANSPORTATION SERVICES

SEC. 144. The Secretary is authorized and directed to undertake a study and analysis of the use of existing highway facilities for highway public transportation service, the need for additional highway facilities or the adjustment of existing facilities to accommodate such service, and the appropriate funding of such additional highway facilities and to report to the Congress his findings and recommendations not later than January 1, 1972.

SAINT CLAIR RIVER BRIDGE

SEC. 145. The amount of Federal Aid Highway funds paid to the State of Michigan for the construction of the bridge and approaches thereto over the Saint Clair River at Port Huron, Michigan, shall, prior to the collection of any tolls thereon be repaid to the Treasury of the United States. The amount to be repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of Federal Aid Highway funds of the same class last apportioned to the State of Michigan. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be avail-

able for expenditure in accordance with the provisions of title 23, United States Code, as amended.

(2) Upon the repayment by the State of Michigan of the Federal-Aid Highway funds received for such bridge project, the bridge and its approaches shall be free of all restrictions with respect to the imposition and collection of tolls or other charges thereon or for the use thereof, contained in (A) title 23, United States Code, or in any regulation or agreement thereunder, and (B) subsection (d) of section 17 of the Act entitled "An Act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935, as amended (49 Stat. 1051), or in any regulation or agreement thereunder. Tolls or charges imposed and collected on such bridge or for the use thereof shall not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management.

BALTIMORE-WASHINGTON PARKWAY

SEC. 146. (a) There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, not to exceed \$65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway in the State of Maryland under the jurisdiction of the Secretary of the Interior to the geometric and construction standards for the National System of Interstate and Defense Highways.

(b) No funds authorized by this section shall be expended until the Secretary of Transportation, the Secretary of the Interior, and the State highway department of the State of Maryland shall enter into an agreement that—

(1) upon completion of reconstruction the Secretary of the Interior will convey without monetary consideration such section of such parkway to the State of Maryland, and

(2) the State of Maryland shall put such section of the parkway on the Federal-aid primary system prior to expenditure of funds authorized by this section, and for such purpose the mileage limitation on such system in such State imposed by section 103(b) of title 23, United States Code, is hereby waived, and such State shall thereafter retain such section on such system.

SEC. 147. The amendments made by sections 117, 120, and 137 of this Act shall not take effect if before the effective date of this Act the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 has been enacted into law.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

Sec. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administrator of the National Highway Traffic Safety Administration who shall be appointed by the Secretary of Transportation, with the approval of the President, and who shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On all matters pertaining to the design, construction, maintenance, and operation of highways, the Administrator shall consult with the Federal Highway Administrator.

"(b) (1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, all other provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development not specifically referred to in paragraph (1) of this subsection.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter;" and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum

in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. The annual apportionment to each State shall not be less than one-third of 1 per centum of the total apportionment."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standard under this section unless at least 90 days prior to the effective date of such standard he shall have submitted such standard to Congress."

(f) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, \$75,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, \$70,000,000 for the fiscal year ending June 30, 1972, and \$115 million for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration for each of the fiscal years ending June 30, 1972, and June 30, 1973, \$30,000,000 per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed \$10,000,000

per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such sections 307(a) and 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

HIGHWAY SAFETY PROGRAMS

SEC. 203. (a) Section 402(b) (1) (A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Special bridge replacement program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special bridge replacement program be established to enable the several States to replace bridges over waterways or other topographical barriers when the States and the Secretary finds that the bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

"(b) The Secretary in consultation with the States shall (1) inventory all bridges located on any of the Federal-aid systems over waterways and other topographical barriers of the United States; (2) classify them according to their serviceability, safety, and essentiality for public use; and (3) based on that classification, assign each a priority for replacement.

"(c) Whenever any State or States make application to the Secretary for assistance in replacing a bridge which the priority system, established under subsection (b) of this section, shows to be eligible, the Secretary may approve Federal participation in the reconstruction of a comparable facility. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service bridges which are most in danger of failure and give consideration to the economy of the area involved. Approval of projects and allocation of funds under this section shall be without regard to allocation or apportionment formulas otherwise established under this title.

"(d) The Federal share payable on account of any bridge replacement under this section shall not exceed 75 per centum of the cost thereof.

"(e) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972; and \$150,000,000 for the fiscal year ending June 30, 1973, to be avail-

able until expended. Such funds shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter.

“(f) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525-533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

“(g) The Secretary shall report annually on projects approved under this section with any recommendations he may have for further improvement in the special bridge replacement program authorized in accordance with this section.”

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

“Sec. 144. Special bridge replacement program.”

RAIL CROSSINGS

SEC. 205. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

“§ 322. Demonstration project—rail crossings

“(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled ‘An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes, approved September 30, 1965 (49 U.S.C. 1631 et seq.).

“(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

“(c) (1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad’s share of such cost shall be 10 per centum.

“(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad’s share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

“(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

“(e) The Secretary, in cooperation with State highway department not later than July 1, 1972, including an estimate of the cost of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of

such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed \$9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed \$22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978."

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for non-commercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out “1972” each place it appears and inserting in lieu thereof “1977”;

(2) by striking out “January 1, 1973” each place it appears and inserting in lieu thereof “January 1, 1978”; and

(3) by striking out “February 10, 1973” each place it appears and inserting in lieu thereof “March 31, 1978”.

And the Senate agree to the same.

GEORGE H. FALLON,
JOHN C. KLUCZYNSKI,
JIM WRIGHT,
ED EDMONDSON,
WILLIAM C. CRAMER,
WILLIAM H. HARSHA,
JAMES C. CLEVELAND,

Managers on the Part of the House.

JENNINGS RANDOLPH,
B. EVERETT JORDAN,
JOSEPH M. MONTOKA,
WILLIAM B. SPONG,
JOHN SHERMAN COOPER,
J. CALEB BOGGS,
HOWARD H. BAKER, JR.,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

TITLE I

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

Senate amendment

This section would provide authorizations for the Interstate highway program through fiscal 1976. The fiscal year 1974 authorization presently set at \$2.225 billion would be increased to \$4 billion, and \$4 billion would also be authorized for each of the fiscal years ending June 30, 1975 and June 30, 1976.

House bill

Section 102 authorizes the appropriation of \$17.275 billion over the five-year period from 1974 through 1978 as follows: The authorizations for fiscal year 1974 are increased from \$2.225 billion to \$4 billion, and authorizations of \$4 billion for each of the fiscal years 1975, 1976, and 1977, and \$3.5 billion for fiscal year 1978 are added.

Conference substitute

This is the same as the Senate provision.

The authorizations here do not provide for completion of the Interstate System but the conferees and the Administration are fully committed to its completion.

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

Senate amendment

Section 3 would authorize the use of the revised estimate of the cost of completing the Interstate System submitted to Congress April 21,

1970, for the purpose of making apportionments to the States for fiscal years ending June 30, 1972, 1973, and 1974, and would further authorize and direct the Secretary to revise the apportionment table to reflect actual capability of States to use funds made available for Interstate System highway construction.

House bill

This section approves the use of the apportionment factors contained in revised table 5 in the 1970 Interstate System Cost Estimate (House Document 317, 91st Congress) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1972 and 1973.

Conference substitute

This is the same as the House provision.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

Senate amendment

Subsection (a) would make technical amendments in section 101(b) of title 23, extending the time for the completion of the Interstate System until June 30, 1976. Subsection (b) would direct the Secretary to submit to the Congress a revised Interstate System cost estimate in January 1973.

House bill

This makes technical amendments made necessary by authorizing the appropriation of Interstate funds for four additional fiscal years and directs the Secretary to make three additional revised cost estimates: one to be submitted to the Congress in January of 1972 to be used for making apportionments in fiscal years 1974 and 1975; one to be submitted in January of 1974 to be used for making apportionments in fiscal years 1976 and 1977; and the final revised estimate to be submitted in January of 1976 to be used for making apportionments in fiscal year 1978.

Conference substitute

The conference substitute would extend the time for the completion of the Interstate System until June 30, 1976. It would further direct the Secretary to submit to Congress a revised Interstate System cost estimate in January of 1972 for fiscal years 1974 and 1975 and in January of 1974 for fiscal year 1976.

HIGHWAY AUTHORIZATIONS

Senate amendment

Paragraph (1) for the Federal-aid primary and secondary systems and their extensions authorizes out of the Trust Fund \$1,050 billion for fiscal year 1972 and the same amount for fiscal year 1973 to be available for expenditures—55 percent on the primary system, 35 percent on the secondary system, and 10 percent on extensions thereof and to carry out section 135.

Paragraph (2) authorizes \$375 million for fiscal year 1972 and \$450 million for fiscal year 1973 for the Federal-aid urban system out of the Trust Fund.

Paragraph (3) authorizes for forest highways out of the Trust Fund \$33 million for each of the fiscal years 1972 and 1973.

Paragraph (4) authorizes for public lands highways \$16 million per fiscal year out of the Trust Fund for the fiscal years 1972 and 1973.

Paragraph (5) authorizes for forest development roads and trails \$170 million per fiscal year for fiscal years 1972 and 1973.

Paragraph (6) authorizes for public lands development roads and trails \$8 million for fiscal year 1972 and \$10 million for fiscal year 1973.

Paragraph (7) authorizes \$30 million for park roads and trails for fiscal year 1973.

Paragraph (8) authorizes \$20 million per fiscal year for parkways for fiscal years 1972 and 1973.

Paragraph (9) authorizes \$30 million for Indian reservation roads and bridges for fiscal year 1973.

Paragraph (10) authorizes for section 402 of title 23, United States Code, out of the Highway Trust Fund, \$75 million for fiscal year 1972 and \$100 million for fiscal year 1973.

Paragraph (11) authorizes for section 403 of title 23, United States Code, out of the Trust Fund, \$70 million for fiscal 1972 and \$115 million for fiscal 1973.

Paragraph (12) authorizes for section 131 of title 23, United States Code, out of the Trust Fund, \$27 million for fiscal 1971, \$20,500,000 for fiscal 1972 and \$50 million for fiscal 1973.

Paragraph (13) authorizes, out of the Trust Fund, for section 136 of title 23, United States Code, \$3 million for fiscal year 1971, \$3 million for fiscal year 1972, and \$5 million for fiscal year 1972.

Paragraph (14) authorizes, out of the Trust Fund, for section 319(b) of title 23, United States Code, \$1,500,000 for fiscal year 1972 and \$10 million for fiscal year 1973.

Paragraph (15) provides for administrative expenses for sections 131, 136, and 319(b) of title 23, United States Code, out of the Trust Fund, \$1.5 million for each of the fiscal years 1971 and 1972 and \$3 million for fiscal year 1973.

Paragraph (16) repeals section 5(10) of the Federal-Aid Highway Act of 1968 relating to authorizations for carrying out section 402 of title 23, United States Code.

House bill

This section authorizes the appropriation of the following sums for each of the fiscal years 1972 and 1973: for the Federal-aid primary and secondary systems and their extensions within urban areas, \$1,100,000,000; for the Federal-aid primary and secondary systems exclusive of their extensions in urban areas, \$125,000,000; TOPICS program, \$200,000,000; forest highways, \$33,000,000 and for public lands highways, \$16,000,000. The authorizations for forest highways and public lands highways will continue to come out of the General Fund of the Treasury.

This section also authorizes the appropriation of \$200,000,000 for each of the fiscal years 1972 and 1973 for the new Federal-aid urban system which is established pursuant to section 106 of the bill.

It also provides authorizations of \$55,000,000 for each of the fiscal years 1972 and 1973, in addition to all other authorizations for the

Interstate System, to be apportioned to each of the States which otherwise would receive less than $\frac{1}{2}$ of 1 percent of the Interstate apportionment for fiscal year 1972 or 1973.

Use of any funds authorized by this section for highway beautification (sections 131, 136, and 319(b) or chapter 4 of title 23, United States Code) as prohibited.

The sums authorized for the fiscal year 1972 and 1973 for certain categories of roads, administered by the Department of Transportation jointly with either the Department of Interior or the Department of Agriculture, are as follows:

	1972	1973
Forest development roads and trails.....	\$170,000,000	\$170,000,000
Public lands development roads and trails.....	5,000,000	5,000,000
Park roads and trails.....	30,000,000	30,000,000
Indian reservation roads and bridges.....	30,000,000	30,000,000
Parkways.....	11,000,000	11,000,000

In addition under "Parkways", \$25,000,000 is authorized for construction of the Palisades Parkway in the District of Columbia, and \$65,000,000 for the reconstruction to six lanes of the Federal section of the Baltimore-Washington Parkway.

Conference substitute

The conference substitute is the same as the provisions of the House bill with the following exceptions:

The authorizations for forest highways and public lands highways are to be from the Highway Trust Fund. There is in a later provision of the conference substitute a revision of definitions of the terms "forest highways" and "public lands highways" to restrict them to those highways which are on a Federal-aid system.

The authorization for the Federal-aid urban system, out of the Highway Trust Fund, is \$100,000,000 per year for the fiscal years 1972 and 1973, and the TOPICS program authorized in section 135 of title 23, United States Code, is also funded at that level.

The authorization for public land development roads and trails for fiscal year 1973 is increased from \$5 million to \$10 million as is provided in the Senate amendment.

The authorization for park roads and trails is \$30,000,000 for fiscal year 1973 as provided in the Senate amendment.

The authorization for parkways is set at \$20,000,000 for fiscal years 1972 and 1973. The authorization for the Palisades Parkway is eliminated, and the authorization for the Baltimore-Washington Parkway is made a separate provision at a later point in the conference substitute.

The authorization for section 319(b) of title 23 (relating to landscaping and scenic enhancement), out of the general fund, is set at \$1,500,000 for fiscal year 1972 and \$10,000,000 for fiscal year 1973.

The authorization for administrative expenses for carrying out sections 131, 136, and 319(b) of title 23 is set at \$1,500,000 per year for fiscal years 1971 and 1972 and \$3,000,000 for fiscal year 1973.

The authorization for projects for high hazard locations which was contained in section 205 of the House bill is eliminated.

The authorization of \$55 million for fiscal years 1972 and 1973 to insure that each State will receive an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year is made a separate subsection (b) and the requirement in section 5(b) of the Senate amendment that the Secretary shall report early in 1972 to Congress on his recommendations for apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed or are nearing completion of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System is included in this section.

FEDERAL AID URBAN SYSTEM

Senate amendment

This section would establish a new Federal-aid highway system, the Federal-aid urban system, in urban areas of 50,000 population or more. The urban system would be designed to facilitate the flow of traffic in urban areas and serve the goals and objectives of the community as determined by the responsible public officials. It would further implement the urban transportation planning process required under section 134 of title 23. Routes on the Federal-aid urban system would be selected by the responsible public officials subject to the approval of the State and of the Secretary.

The funds authorized to be appropriated for the Federal-aid urban system would be apportioned to the States in the ratio which their population in urban areas of 50,000 or more bears to the national population in such urban areas. In addition to highway construction, these funds would be available to carry out the kinds of activities for which the TOPICS program was designed, and for construction and development of fringe and corridor parking facilities. The Federal share payable for projects on this system would be the same as for the ABC System—50 per centum. All of the provisions of Chapters 1, 3 and 5 of title 23 applicable to the Federal-aid primary system not deemed to be inconsistent with the definition and purposes of this section would be applicable to the urban system.

House Bill

This section directs the establishment of a new Federal-aid urban system in each urbanized area, and provides that routes on this system shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the "1970 National Highway Needs Report Supplement" other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Routes on this system and projects for the improvement of routes on this system shall be selected, and proposed specifications for such projects shall be determined, by State highway departments and appropriate local road officials in cooperation with each other.

In addition to the \$200 million authorized to be appropriated in each of the fiscal years 1972 and 1973 by section 105 of the House bill, not to exceed 50% of the amounts apportioned to each State for extensions of the Federal-aid primary and secondary systems within urban areas

and 50% of the Topics Funds may be expended for projects on the Federal-aid urban system.

The apportionment of funds authorized to be appropriated for the Federal-aid urban system is to be made on the basis of the population in urbanized areas. The Federal share of the cost of projects on the Federal-aid urban system is the same as for the ABC program, *i.e.*, 50%, plus the sliding scale in public lands States.

The provisions of chapters 1, 3, and 5 of title 23, United States Code that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be consistent.

Conference substitute

The conference substitute is essentially the same as the provisions of the House bill with the following changes. The urban system is to be located so as to serve major centers of activity, highest traffic volume corridors, and longest trips within the urbanized area and is to be selected so as to best serve the goals and objectives of the community as determined by responsible local officials of the urbanized area based on the section 134 planning process. Routes on the urban system shall be selected by the appropriate local officials and the State highway departments in cooperation with each other, subject to the approval of the Secretary. In addition, in approving programs for projects on the urban system, the Secretary is to require that these projects be selected by the appropriate local officials and State highway departments in cooperation with each other.

PROHIBITION OF IMPOUNDMENTS AND DIVERSION OF FUNDS

Senate amendment

No comparable provision.

House bill

This section reiterates the sense of Congress as expressed in section 15 of the Federal-Aid Highway Act of 1968 relative to impoundment of apportioned Federal-aid highway funds.

This section also prohibits the expenditure of funds authorized to be appropriated from the Highway Trust Fund any Federal department, agency, or instrumentality other than the Federal Highway Administration, for other than highway purposes.

Conference substitute

This is the same as the House bill with the exception that the prohibition on expenditure of trust funds by any department other than the Federal Highway Administration unless these funds are identified and included as a line item and are to meet obligations in an appropriation Act and are to meet obligations of the United States incurred under title 23, United States Code, attributable to the construction of Federal-aid highways for highway planning, research, and development, is expanded to permit these expenditures if otherwise specifically authorized to be appropriated from the Trust Fund by Federal-aid highway legislation.

INCREASED FEDERAL SHARE

Senate amendment

No comparable provision.

House bill

This section increases the Federal share payable on account of any non-Interstate project from 50% to 70%. This increase would take effect with respect to authorizations for fiscal year 1974 and subsequent fiscal years.

Conference substitute

This is the same as the House bill.

EMERGENCY RELIEF

Senate amendment

This section would amend section 125 of title 23, to provide that Federal funds are available to repair or reconstruct bridges permanently closed to traffic because of the danger of collapse due to structural deficiencies or physical deterioration. Bridges covered by the provision would be those closed after December 31, 1967 and before the date of enactment of this Act. The termination of authority as of the date of enactment of the Act is included because the funds authorized for the bridge replacement program established by section 24 of the Senate amendment would then be available.

Subsection (b) of this section would amend the term "comparable facility" to mean a facility which meets the current geometric and construction standards required for the type and volume of traffic which such facility will carry over its design life. This definition would also apply to the term "comparable facility" as used in subsection (a) of section 143, the bridge replacement program. The amendment would apply retroactively to the term as used in the 1968 Act.

House bill

This section amends 23 U.S.C. 125 to authorize the Secretary to expend funds to repair or reconstruct bridges which have been permanently closed to all vehicular traffic by the States after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration. Present law prohibits the Secretary from expending funds on such bridges unless they have been damaged by a natural disaster or have collapsed.

Conference substitute

The conference substitute is the same as the House bill except that to be eligible a bridge must have been closed after December 31, 1967, and before December 31, 1970. In addition, the provisions of subsection (b) of section 13 of the Senate amendment are included relating to the definition of the term "a comparable facility".

TRAINING PROGRAMS

Senate amendment

This section would authorize the Secretary, through the Secretary of Labor, to develop, conduct and administer highway construction-

related training and skills improvement programs for construction workers.

House bill

This section authorizes the expenditure of Federal-aid highway funds for the continuation of training programs during seasonal shut-downs of highway construction work. Such funds may participate in the costs of apprenticeship, skill improvement, or other upgrading programs which are conducted during periods when climatic conditions prevent highway construction work and are supplementary to on-the-job training conducted during the construction season.

The Federal share of the cost of such a training program shall be the same as that for the respective highway program, as provided in section 120, United States Code.

Conference substitute

The conference substitute is essentially the same as the provisions of the Senate amendment with the exception that the requirement that this program be operated through the Secretary of Labor is deleted, and the amount authorized for each of the fiscal years 1972 and 1973 is limited to \$5 million.

URBAN HIGHWAY PUBLIC TRANSPORTATION

Senate amendment

No comparable provision.

House bill

This section authorizes the use of funds that are apportioned to each State for extensions of the Federal-aid primary and secondary systems within urban areas, for the Interstate System, and for the new Federal-aid urban system to finance the Federal share of the cost of projects for the construction in urbanized areas of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, and fringe and transportation corridor parking facilities. Such a project must avoid Federal-aid highway construction and provide capacity for movement of persons at least equal to that which otherwise would be provided by the avoided highway construction, and the Federal share of the cost of such project must not exceed the Federal share of the cost of the avoided highway construction; or no other feasible or prudent highway project can provide the additional capacity for the movement of persons provided by the project.

The Federal share of the cost of urban highway public transportation projects shall be that provided in section 120 of title 23, United States Code.

No project will be approved unless there are satisfactory assurances that the publicly-owned mass transportation system will have the capability to fully utilize the project. Routes and schedules of public mass transportation systems receiving assistance under this section shall be based on a continuing comprehensive transportation process carried on in accordance with section 134 of title 23, United States Code.

Conference substitute

The conference substitute is the same as the provisions of the House bill with the exception that the criteria for the approval of projects contained in the proposed new subsection (d) is amended to exclude projects for fringe or transportation corridor parking facilities.

TERRITORIAL HIGHWAY PROGRAM

Senate amendment

This section would provide for the establishment of a highway program for the Virgin Islands, Guam, and American Samoa. The Federal contribution to the cost of approved projects on this system would be 70 per centum, and \$2 million for each territory would be authorized out of the Highway Trust Fund for each of the fiscal years 1971, 1972 and 1973 for this purpose.

House bill

This section authorizes the appropriation of \$2 million for each of the fiscal years 1971, 1972, and 1973 to pay up to 50% of the cost of construction of a system of arterial highways in the Virgin Islands. Three percent of the sums authorized to be appropriated for each fiscal year shall be available for expenditure by the Virgin Islands only for research, investigations, studies, and development, and an additional 2% of the sums authorized to be appropriated may be used for such purposes. The Secretary of Transportation is also authorized to provide technical assistance to the Virgin Islands in the establishment of a highway department.

All of the provisions of law relating to Federal-aid highways (other than those relating to apportionment formulas and limiting the expenditures of funds to the Federal-aid system) shall apply.

Conference substitute

This is the same as the provisions in the Senate amendment except that the authorizations are not to come from the Highway Trust Fund, and in the case of American Samoa are limited to \$500,000 per fiscal year.

DARIEN GAP HIGHWAY

Senate amendment

This section would authorize \$100 million from the general fund, for the construction of the Darien Gap Highway, which would connect the Inter-American Highway with the Pan-American Highway System of South America. Obligation and expenditure of funds would be on the same basis as the funding authorized for the Inter-American Highway.

House bill

Same as the Senate amendment.

Conference substitute

Same as both the Senate amendment and the House bill.

ADMINISTRATION

Senate amendment

No comparable provision.

House bill

This section amends section 303 of title 23, United States Code, to conform with the recent reorganization of the Federal Highway Administration. It establishes the positions of Deputy Federal Highway Administrator and Assistant Federal Highway Administrator and the conditions of their appointment, and sets the salary level for those offices and that of the Federal Highway Administrator.

The Deputy Federal Highway Administrator shall be appointed by the President with the advice and consent of the Senate. The President may authorize the person holding the office of Director of Public Roads immediately before enactment of this Act to act as Deputy Federal Highway Administrator until the first Deputy Administrator is named, and to receive compensation at the rate authorized for such office.

The Assistant Federal Highway Administrator shall be appointed by the Secretary of Transportation, with the approval of the President under the classified civil service.

Conference substitute

This is the same as the House bill with the exception that the Deputy Federal Highway Administrator will be appointed by the Secretary of Transportation with the approval of the President.

TRAINING AND RESEARCH FELLOWSHIPS

Senate amendment

No comparable provision.

House bill

This section directs the Secretary to establish and operate a "National Highway Institute" in the Federal Highway Administration. The Institute will develop and administer, in cooperation with State highway departments, training programs of instruction for FHWA and State and local highway department employees engaged or to be engaged in Federal-aid highway work. The Secretary's authority in law to develop and conduct educational and training programs related to highways shall be administered through the Institute. The Secretary is authorized to acquire such buildings, facilities, and equipment as the Institute may need. Sums provided for administrative purposes under 23 U.S.C. 104(a) shall be available for establishing and operating the Institute.

A sum not to exceed $\frac{1}{2}$ of 1 percent of all the ABC and new urban system funds apportioned to a State for a fiscal year under 23 U.S.C. 104(b) is authorized to be available for payment by the State highway department of up to 70 percent of the cost of the tuition and the direct educational expenses connected with the education and training of State and local highway department employees. These expenditures would be subject to approval by the Secretary.

The Secretary is permitted to provide the education and training, authorized by this section, through grants and contracts with public and private agencies, institutions, and individuals.

This section also authorizes the Secretary, either independently or in cooperation with other Federal departments, agencies or instrumentalities, to make grants for research fellowships for any of the purposes for which research is authorized by this section.

Conference substitute

This is the same as the provisions of the House bill with the exception that authority to acquire by lease, purchase, construction, reconstruction, or otherwise buildings, facilities, and equipment for the Institute is deleted.

BRIDGES ON FEDERAL DAMS

Senate amendment

No comparable provision.

House bill

This section authorizes the appropriation of \$3,761,000 to be available for expenditure in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No funds so authorized shall be appropriated until the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana have complied with all of the requirements of section 320 of title 23, United States Code, applicable to the construction of bridges on Federal dams.

Conference substitute

This is the same as the provisions of the House bill.

CONSTRUCTION OF REPLACEMENT HOUSING

Senate amendment

This section would authorize the Secretary to approve as part of the cost of construction, the cost of acquiring, constructing, rehabilitating, or relocating housing as replacement housing for individuals and families who will be displaced by a project if such project on any Federal-aid system cannot proceed to actual construction because replacement housing required by law cannot otherwise be made available. This is a last resort authority to be used when replacement housing is not available.

House bill

This section authorizes the Secretary to approve as a part of the cost of highway construction, the construction of new housing and the acquisition, rehabilitation, and relocation of existing housing to serve as replacement housing for individuals and families displaced by the highway construction, when no replacement housing is available and cannot otherwise be made available (either by public housing agencies or private enterprise), and when the highway construction cannot be undertaken unless replacement housing is made available.

Whenever practicable, State highway departments shall utilize the services of State or local governmental housing agencies in such construction, acquisition, rehabilitation, and relocation of replacement housing.

Conference substitute

Same as the provisions of the House bill.

BRIDGE ALTERATION PROGRESS PAYMENTS

Senate amendment

No comparable provision.

House bill

This section amends section 517 of title 23, United States Code (section 7 of the "Truman-Hobbs Act") in order to eliminate the delay in reimbursing the bridge owner by permitting the Secretary of Transportation to make payments for design work performed prior to the actual commencement of the alteration but after the Order to Alter has been issued.

Conference substitute

This is the same as the provision of the House bill.

ALASKA HIGHWAY

Senate amendment

This section would authorize the President to enter into negotiations with Canada to reach an agreement authorizing paving and reconstructing a portion of the Alaska Highway.

House bill

Same as the provisions of the Senate amendment.

Conference substitute

Same as both the Senate and House provisions.

EFFECTIVE DATE OF RELOCATION PROVISIONS

Senate amendment

This section would extend the time required for compliance by the States with certain provisions of chapter 5 of title 23 (Highway Relocation Assistance), until January 1, 1971, for any State which could not submit the required constitutional amendment for ratification prior to July 1, 1970.

House bill

This section extends the deadline for State compliance with the relocation provisions of chapter 5 of title 23, United States Code, from July 1, 1970, to July 1, 1972, for any State which must amend its constitution to comply with chapter 5 and cannot submit the required amendment for ratification prior to July 1, 1970.

Louisiana is the only State affected by this provision. That State must amend its constitution in order to comply with chapter 5.

Conference substitute

Same as the provisions of the House bill.

FUTURE FEDERAL-AID HIGHWAY PROGRAM

Senate amendment

No comparable provision.

House bill

This section directs the Secretary of Transportation to include in the highway needs report to be submitted to Congress in January, 1972, his recommendations for the functional realignment of the Federal-aid systems and for a continuing Federal-aid highway program for the period 1976 to 1990, and the designation of the new Federal-aid urban system and the cost of its construction.

The Secretary's recommendations shall be based on studies conducted in cooperation with State highway departments and local governments. In urban areas of more than fifty thousand population, the continuing comprehensive transportation process contemplated by section 134 of title 23, United States Code, shall be utilized.

Conference substitute

Same as House provision.

HIGHWAY BEAUTIFICATION

Senate amendment

This section would amend section 131 of title 23 to provide a 5 percent penalty for the first year of noncompliance and an additional 1 percent for each year of continued noncompliance up to 10 percent; the penalty would be applicable on or after January 1, 1971, or the next regular session of the State Legislature, whichever is later; the controlled area would be extended to the limits of visibility except with respect to signs which are lawfully erected in permitted locations; sign removals covered by mandatory just compensation would be based on a schedule determined by agreement between the Secretary and a State consistent with the availability of Federal funds. All signs are to be removed within, or by the end of 5 years after they become nonconforming; the directional and official category of signs would be broadened to include signs of specific interest to the traveling public such as gas, food and lodging; and just compensation provisions would be based on the effective date of a State compliance law and would cover signs beyond 660 feet from the Interstate and primary highway right-of-way. The Secretary of Transportation would be authorized to carry out demonstration projects with one or more States to determine the best means of implementing this section.

Another section would amend section 136 of title 23 with regard to the penalty and the dates upon which it would become applicable consistent with section 131; screening would be required within 5 years for all lawfully existing junkyards; the controlled area would be extended to the limits of visibility; junkyard removals would be consistent with sign removals under section 131; Federal participation in State costs would be extended to cover removal, relocation, and disposal in addition to landscaping and screening; and just compensation would be extended consistent with the applicable provisions in section 131.

Another section would amend section 319(b) of title 23 to include the costs of developing publicly owned and controlled information center buildings.

The Secretary would be authorized and directed to conduct a comprehensive study of on-premise signs and submit a report of such study, together with recommendations, no later than January 1972.

Authorizations for the Highway Beautification Programs, which for the first time would be funded from the Highway Trust Fund, are as follows:

[In millions of dollars]

Category	1971	1972	1973
Control of outdoor advertising (sec. 131).....	27.0	20.5	50
Control of junkyards (sec. 136).....	3.0	3.0	5
Landscaping and scenic enhancement (sec. 319(b)).....	0	1.5	10
Administration of secs. 131, 136, and 319(b).....	1.5	1.5	3

House bill

This section authorizes the appropriation of \$27 million for fiscal year 1971 and \$20.5 million for fiscal year 1972 for control of outdoor advertising; \$2 million for each of the fiscal years 1971 and 1972 for junkyard control; and \$1.5 million for each of the fiscal years 1971 and 1972 for necessary administrative expenses in carrying out the highway beautification programs.

Another section establishes a Commission on Highway Beautification composed of 4 members from the House Committee on Public Works, 4 from the Senate Committee on Public Works, 4 appointed by the President and one elected by majority of the other twelve to serve as Chairman.

The Commission shall study and review the existing law, policies and practices related to control of outdoor advertising and junkyards; compile data on the Nation's highway beautification needs; make appropriate recommendations, and submit a final report within one year after enactment of this section. Six months after the final report is submitted the Commission will cease to exist.

All Federal departments, agencies or instrumentalities shall provide the Commission with any information it requests. Each Federal Department and agency concerned with the control of outdoor advertising and junkyards shall appoint a liaison officer to work closely with the Commission. The Commission is instructed to seek the advice of various groups interested in these problems.

Up to \$800,000 is authorized to be appropriated for use by the Commission in carrying out the provisions of this section, and appropriations shall be available until expended. The Commission is authorized to appoint such staff personnel as may be necessary, employ experts and consultants, and contract with public and private organizations for studies and surveys. It may also transfer funds to Federal agencies to carry out such of its duties as it determines can best be carried out in this manner.

Conference substitute

The conference substitute is the same as the House provisions with the following exceptions:

Both section 131 (outdoor advertising) and section 136 (junkyards) are funded out of the general fund for the additional fiscal year ending June 30, 1973, section 131 at a level not to exceed \$50,000,000 and section 136 at the levels contained in the Senate amendment.

The Highway Beautification Commission is reduced in number to eleven members, four from each House of Congress, and three appointed by the President, who shall choose their own chairman from among their membership. In addition, the Commission's basic function is expanded to make specific mention of problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information essential to the motoring public, and a requirement to study methods of financing (including possible use of the Highway Trust Fund), all with a view to achieving a workable and effective highway beautification program and best serve the public interest. The Commission is required to report not later than one year after it is funded. The authorization for the Commission is reduced to \$200,000.

The conferees agreed that the creation of this Commission is not to be construed as derogating in any way from active implementation of the existing program without reduction and as authorized during this study.

The specific demonstration project authorized in the Senate amendment has been deleted since existing law, in the opinion of the conferees, already authorizes this type of demonstration project.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM
NOT TO BE CONSTRUCTED

Senate amendment

This provision would insure the early completion of the presently designated Interstate System by requiring the States to submit to the Secretary by Jan. 12, 1973, a firm schedule for the completion of segments on the Interstate System and to have brought these segments to the construction stage by July 1, 1975. Any segment not included in the schedule by 1973 and ready for construction by 1975 will remain as part of the Interstate System but would not be eligible for funding at the 90-10 ratio.

House bill

This section requires the Secretary, on December 31, 1973, to remove from designation as part of the Interstate System any segment for which the State has not established a construction schedule, within the period of availability of funds authorized to be appropriated, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. This section is intended to require that final decisions be made within the next 3 years as to whether or not to build such segments.

Nothing in this section shall prohibit the substitution, prior to December 31, 1973, of alternative segments which will serve the same urban areas as the segments which would be removed from the system.

Conference substitute

The conference substitute is the same as the House provisions with the following changes: (1) The date for removal from designation is advanced from December 31, 1973, to July 1, 1973, and (2) any segment of the Interstate System with respect to which a State has not submitted plans, estimates, and specifications for approval by the Secretary before July 1, 1975, is to be removed from designation and will not thereafter be eligible for redesignation on the System.

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

Senate amendment

The 1968 Act added a new section 135 to title 23 establishing a continuing program designed to reduce traffic congestion and facilitate the flow of traffic within urban areas. Under this section as amended, the Secretary may approve projects on an extension of the Federal-aid primary or secondary systems in urban areas for improvements which facilitate and control traffic flow if the project is based on a continuing comprehensive planning process in accordance with 23 U.S.C. 134.

House bill

This section clarifies section 135(b) of title 23, United States Code, in two respects: (1) it makes clear that the TOPICS program is applicable in urban areas of 5,000 to 50,000 population, as well as in those urban areas of greater population; and (2) it requires that such projects be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title only in urban areas of more than fifty thousand population.

Conference substitute

The conference substitute is the same as the House provision.

AUTHORITY FOR DEMONSTRATION PROJECTS

Senate amendment

No comparable provision.

House bill

This section would provide more flexibility in the eligibility requirements for "one-half of one percent research funds" by authorizing inclusion as Demonstration Projects, the installation of newly developed concepts and systems in the actual highway system. Hence, new products and concepts could be studied as part of the ongoing highway program to develop reliable data on their cost effectiveness before they might become part of the highway design standards.

Conference substitute

The conference substitute is the same as the House bill.

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

Senate amendment

No comparable provision.

House bill

This section authorizes the Secretary to make grants for demonstration projects for the construction, reconstruction, improvement, planning, surveying, and investigation of highways that would lead to the development of "economic growth centers" and surrounding areas.

A Governor may recommend, within his State for the Secretary's approval, the location and priorities for "economic growth centers" and development highways to serve them. In approving a project, the Secretary is required to determine that it will promote the purposes of this section, and that it meets such criteria as he deems necessary, including capability of development and has a population of 100,000 or less according to the latest Federal census.

The Secretary is authorized to pay up to 100 percent of the cost of engineering and economic surveys or other investigations necessary for the planning and design of the "economic development growth center" highways.

Any of these highways which are not already part of the Federal-aid system will be added to the appropriate system.

The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway is 70 percent. This section authorizes out of the Highway Trust Fund, the sum of \$100,000,000 for each of the fiscal years 1972 and 1973. No State shall receive in any fiscal year more than 15% of the total funds authorized in that fiscal year to carry out this section.

Conference substitute

The conference substitute is essentially the same as the House provision with the following changes: First, these development highways are required to be on the Federal-aid primary system. Second, the purpose of these development highways is expanded to emphasize the encouragement of business and industry in rural areas, the mobility of labor in sparsely populated areas, and improve rural citizens' access to health care, recreation, employment, education, and similar activities. Third, the Federal share of the cost of a Federal-aid primary highway project is to be increased by not to exceed an additional 20 percent but in no case shall the Federal share exceed 95 percent of the cost of the project. Fourth, the Secretary is required to consult with the Secretary of Commerce with respect to the criteria for economic growth centers. Fifth, in the case of projects within the Appalachian region and economic development regions under title V of the Economic Development Act of 1965 appropriate consultation is required with the Federal Cochairman, and in the case of economic development regions, the Secretary of Commerce as well. The criteria for the selection of growth centers in these regions is also to take into account the purposes of the Appalachian Regional Development Act and the Public Works and Economic Development Act and, in addition, close coordination is required with the Federal Cochairman, and the Secretary of Commerce, as appropriate. Sixth, the monetary

authorization is reduced to \$50,000,000 per year for fiscal years 1972 and 1973.

The additional criteria and requirements for projects in Appalachia and the economic development regions are not to derogate from equal consideration for these projects in these regions.

FEDERAL SHARE OF ENGINEERING COSTS

Senate amendment

No comparable provision.

House bill

This section would allow the Secretary to reimburse a State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for a project, rather than on the basis of an audit of actual engineering costs for the project.

Conference substitute

Same as the provisions of the House bill.

DISTRICT OF COLUMBIA

Senate amendment

This section would repeal subsections (a), (b), and (c) of section 23 of the Federal-Aid Highway Act of 1968. The effect of the enactment of this section would be to place the implementation of the interstate highway program within the District of Columbia on the same basis as in any other State. Repeal would constitute neither approval nor rejection of any particular Interstate System segment in the District.

For those projects mandated by the 1968 provision on which construction has actually begun, such repeal would have no effect on lawful actions taken. Execution of such projects could be pursued once pending litigation has been concluded and the terms of the judicial order, if any, are met.

House bill

This section directs the government of the District of Columbia to begin work not later than 30 days after the date of enactment of this Act on the following projects as authorized in section 23(a) of the Federal-Aid Highway Act of 1968; (1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6); and North Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 to C2).

The authorization for the South Leg of the Inner Loop is repealed and the route of the South Leg project is removed from designation as a part of the Interstate System.

The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95 and report to Congress within 12 months after the date of enactment of this Act their recommendations with respect to that project including alternative routes or plans.

Conference substitute

The government of the District of Columbia and the Secretary of Transportation are required to restudy the projects for the East Leg of the Inner Loop, and North Central and Northeast freeways required to be constructed by the provisions of the House bill and report to Congress within 12 months their recommendations, including alternative routes or plans.

The authorization for the South Leg of the Inner Loop is not repealed and that project remains designated as part of the Interstate System.

The project for the North Leg of the Inner Loop required to be studied by the provision of the House bill is retained.

TOLL ROADS

Senate amendment

No comparable provision.

House bill

This section expresses the sense of Congress that no motorist using a toll road on the Interstate System for a continuous interstate trip should be required to stop more than twice for the collection of tolls, and that where toll roads on the Interstate System connect at State boundaries, such States should provide common toll facilities at such points so that motorists will have to make only one stop at such points for the collection of tolls.

Conference substitute

The conference substitute does not contain this provision.

INDIAN RESERVATION ROADS AND BRIDGES

Senate amendment

No comparable provision.

House bill

This section broadens the definition of "Indian reservation roads and bridges" in 23 U.S.C. 101 (a) to include roads and bridges on State-controlled Indian reservations, trust lands, and restricted Indian lands, as well as roads and bridges on such lands under Federal control.

Conference substitute

Same as the House bill.

RICHMOND-PETERSBURG TURNPIKE

Senate amendment

No comparable provision.

House bill

This section authorizes the Secretary to amend an agreement entered into in 1964 with the Commonwealth of Virginia pursuant to the provisions of section 129(d) of title 23, United States Code, relative to Federal participation in the cost of the approaches to the Richmond-Petersburg Turnpike. That agreement provided that the toll road

would become free upon collection of tolls sufficient to pay maintenance and operation and to liquidate the debt incurred by construction of the toll road.

The amended agreement provided for by this section would allow the Toll Road Commission to issue additional bonds to cover the cost of adding additional lanes to the toll road. The agreement will also provide that the date for freeing the turnpike will not be extended beyond the maturity date for the bonds issued pursuant to the original agreement.

Conference substitute

Same as the House provision.

AIRPORT ACCESS

Senate amendment

This section would require the Secretary to give priority to projects which will provide adequate, direct, and convenient access to public airports and seaports. In addition the Secretary is directed to give priority to those secondary road projects which will encourage the social and economic development of rural communities.

House bill

This section would require the State highway departments in preparing programs to submit in accordance with section 105(a) of title 23, United States Code, to give consideration to projects providing direct and convenient public access to public airports and in approving such programs the Secretary shall give consideration to these projects.

Conference substitute

The conference substitute is essentially the same as the provisions of the House bill, expanded to include public ports for water transportation as well as airports.

FEDERAL PARTICIPATION IN THE IMPROVEMENT OF TOLL ROADS

Senate amendment

This amendment to section 129 of title 23, would change existing Federal law to permit participation in safety improvements of toll roads which are part of the Interstate System, but only on the condition that the State and the toll authority agree to remove tolls when the bonded indebtedness outstanding as of the date of the agreement is liquidated.

House bill

No comparable provision.

Conference substitute

The conference substitute would authorize Federal participation in the construction of a toll road which provides for only two lanes of traffic and which is on the Interstate System in order to bring it to the geometric and construction standards for the Interstate System (including the requirement in section 109(b) of title 23, United States

Code, for at least 4 lanes) and to facilitate removal of the tolls therefrom. Federal participation would be on the same basis as in the case of free Interstate System highways, would be limited to those two lane toll roads which were designated as part of the Interstate System before June 30, 1968, and would be contingent upon an agreement with the State highway department and the toll route authority that no indebtedness to be liquidated by a collection of tolls is to be incurred after the date of enactment of the subsection, that all tolls received less cost of operation and maintenance will be applied to repayment of bonds outstanding on the date of enactment constituting a valid lien against the toll road, and that upon liquidation of the bonds the road will become a road free to the public.

The conferees wish to make it clear that, if a two lane toll road which is otherwise eligible for assistance under this section contains additional climbing lanes along its route, these climbing lanes are not to be counted for the purpose of determining the eligibility of the toll road for assistance.

FRINGE AND CORRIDOR PARKING FACILITIES

Senate amendment

This section would enact as a continuing program the demonstration fringe parking program provided by the 1968 Federal-Aid Highway Act. Funds for fringe and corridor parking facilities authorized under this section would be available from authorizations for the Federal-aid urban system. Fringe parking areas are not intended for use by on-site developers.

House bill

No comparable provision.

Conference substitute

Same as the Senate provision.

PUBLIC HEARINGS

Senate amendment

The two-hearing procedure, established by regulation after enactment of the Federal-Aid Highway Act of 1968, would be enacted into law. An additional hearing would be required on urban plans required under section 134 of title 23 to afford citizens the opportunity to present their views as to the transportation systems which would best serve their needs. Responsibility for conducting the hearings would rest with State and local officials designated by the Governor or the duly constituted State authority. The certification and transcript of the hearing now required by law would have to be accompanied by a report indicating the consideration given to the economic, social, environmental and other impacts of the plan, highway location, and the design and the various alternatives raised at the hearings or otherwise considered by the certifying officer.

House bill

No comparable provision.

Conference substitute

The conference substitute would amend the existing provisions of section 128 of title 23, United States Code, by adding a new sentence

requiring the certification of public hearings be accompanied by a report indicating the consideration given to the economic, social, environmental, and other effects of the plan for highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

ECONOMIC, SOCIAL, ENVIRONMENTAL, AND OTHER IMPACT

Senate amendment

This section would amend various provisions of title 23 to insure proper consideration of economic, social, environmental, and other impacts in the development of highway design and construction plans.

Subsection (a) would expand the definitions of "construction" and "highway" contained in section 101(a), title 23, to require fuller consideration of these matters in the various stages of highway design and construction. The change in the definition of construction as it relates to "economic, social, environmental and other factors" would become effective in 1974 when the guidelines required by section 109(h) would be implemented, and funds apportioned to the States highway construction would be available to implement such guidelines.

The change in the definition of highway is designed to secure the benefits of the relocation assistance program required by Chapter 5 of Title 23 to those persons located outside of the right-of-way acquisition lines who suffer the kinds of injury that Chapter 5 is designed to mitigate.

Subsection (b) would require all-out efforts to minimize soil erosion which occurs during and after construction of a highway project. These efforts are to be carried out in accordance with the guidelines required by subsection (g) of section 109 of title 23 as it was originally enacted in the Federal-aid Highway Act of 1966.

Subsection (c) would require the Secretary to develop and issue guidelines for avoiding, minimizing and overcoming adverse economic, social, environmental and other impacts of Federal-aid highway projects.

After July 1, 1974, plans and specifications for any project would be required to include adequate measures to solve the impact problems identified in an analysis of the project. Among the problems which would be accounted for are:

- (1) Air, noise, and water pollution;
- (2) Destruction, or disruption of man-made and natural resources, aesthetic values, community cohesion, and the availability of public facilities and services;
- (3) Adverse employment effects, and tax and property value losses;
- (4) Injurious displacement of people, business, and farms; and
- (5) Disruption of desirable community and regional growth.

In the period following the issuance of the guidelines and before their effective date the Congress will have an opportunity to review the actions of the Secretary.

Subsection (c) would also require the Secretary to issue noise level standards for highways and to require that the appropriate standards

be applied to proposed highway projects. In addition the Secretary would be required to insure that any highway construction project is designed so as to be consistent with approved air-quality implementation plans in the air-quality region in which the project is located.

Subsection (d) would authorize research programs to develop methods of how to deal with adverse economic, social and environmental effects.

House bill

No comparable provision.

Conference substitute

The conference substitute is the same as the provisions of the Senate amendment with the following changes:

(1) The provisions of subsection (a) of the Senate section have been deleted.

(2) The revision of section 109(g) of title 23, United States Code, would require the Secretary to issue within 30 days after the enactment of this Act guidelines for minimizing possible soil erosion from highway construction. These are to apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of the guidelines. The proposed new section 109(h) of title 23, would require the Secretary, not later than July 1, 1972, after appropriate consultation to submit to Congress and not later than 90 days thereafter promulgate guidelines designed to assure the possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered and the final decisions made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and costs of eliminating or minimizing such adverse effects and the following:

(A) Air, noise, and water pollution.

(B) Destruction or disruption of manmade and natural resources, esthetic values, community cohesion, and availability of public services and facilities.

(C) Adverse employment effects and tax and property value losses.

(D) Injurious displacement of people, businesses, and farms.

(E) Disruption of desirable community and regional growth.

These guidelines are to apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of the guidelines.

INTEREST PAYMENTS FOR REPLACEMENT HOUSING

Senate amendment

Relocation assistance payments for replacement housing would be expanded to include compensation for any increased rates of interest required for the financing of a replacement dwelling.

House bill

No comparable provision.

Conference substitute

Same as the Senate amendment.

ALASKAN ASSISTANCE

Senate amendment

Subsection (a) of this section would amend the special Alaska Highway authorization in the Federal-Aid Highway Act of 1966 to extend it to FY 1973, to increase the authorization for FY 1972 and FY 1973 to \$20 million and to make these funds available from the Highway Trust Fund. Subsection (b) of this section eliminates certain right-of-way reservations on Alaska property.

House bill

No comparable provision.

Conference substitute

This is the same as the provisions of the Senate amendment except that authority for use of these funds for maintenance of highways has been stricken and use of the funds is limited to Federal-aid highway projects.

FERRY BOATS

Senate amendment

This amendment to section 129 of title 23, United States Code, would authorize Federal participation in the construction of Marine highway facilities, whether toll or free. The Secretary should permit such participation only when it is determined that there is no suitable or feasible land highway alternative available.

House bill

No comparable provision.

Conference substitute

The conference substitute amends section 129 of title 23, United States Code, to add a new subsection which would authorize the Secretary to permit Federal participation in the construction of ferry boats, whether toll or free, if the following conditions are met:

(1) It is not feasible to build a normal highway structure in lieu of using a ferry.

(2) The ferry will be operated on a route approved under section 103(b) or (c) of title 23, United States Code, as part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

(3) The ferry is to be publicly owned and operated.

(4) The operating authority and fare structure is to be under the control of the State (including an interstate agency) and all revenues are to be applied to actual and necessary costs of operation, maintenance, and repair.

(5) The ferry is to be operated only within the State or between adjoining States and no part of its operation is to be in any foreign waters or any international waters.

(6) The ferry is not to be sold, leased, or otherwise disposed of without the approval of the Secretary, and the Federal share

of any proceeds therefrom are to be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State and are to be available for expenditure in accordance with the provisions of title 23.

FUTURE ADDITIONS TO INTERSTATE SYSTEM

Senate amendment

This amendment would enable States to request the Secretary to designate any primary system highway which is a logical addition or connection to the Interstate system as part of the system, if it otherwise meets the definition of an Interstate segment, and the State promises to build the highway to Interstate standards within 12 years from the date of the agreement. The provision specifically states that no special Federal financing will be available for such construction and the States will use whatever federal funds or State funds are available for highway purposes.

In order to prevent confusion and to avoid misleading the traveling public, the Secretary must require that any marking of such highways or map references to such highways prior to their reconstruction to Interstate standards be by special sign.

House bill

No comparable provision.

Conference substitute

The conference substitute is the same as the Senate amendment except that the designation would only be that the highway would be a future part of the Interstate System, not as an immediate part, and a prohibition has been added against any reference to the highway, including signing and marking thereof, as a part of the Interstate System prior to the time that it is actually constructed to the standards and designated as part of the System.

DEFINITIONS

Conference substitute

This section is a conforming amendment to section 101(a) of title 23, United States Code, made necessary by the decision of the conferees to provide authorization for forest highways and public lands highways out of the Trust Fund. These changes in definition would insure that these highways be on the Federal-aid systems.

COST REDUCTION

Senate amendment

The Secretary would be authorized to secure a value-engineering or other cost-reduction analysis of the plans, specifications and estimates for proposed Federal-aid highway projects when he determines such action advisable.

House bill

No comparable provision.

Conference substitute

This is the same as the provisions of the Senate amendment. The conferees however agreed that value-engineering or other cost reduction analyses are not to be used to delay a decision on a project.

URBAN TRANSPORTATION PLANNING

Senate amendment

This section would amend section 134 of title 23, to require that before any highway project can be constructed in an urban area of 50,000 population or more, the responsible public officials in the area must have been consulted and their views considered with respect to the corridor, the location, and the design of the project.

In addition, section 134 of title 23, United States Code, is amended to add a new subsection (b) to require the Secretary to define those contiguous interstate areas in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached or is expected to reach a critical volume in relation to capacity of existing and planned transportation systems to efficiently present demands and future growth.

After consultation, the Secretary is required to designate by regulation as a critical transportation region or corridor each area most urgently requiring accelerated development of transportation systems and, after notification of the Governors and local officials of that designation, to provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning and to provide assistance including financial assistance to such bodies.

House bill

No comparable provision.

Conference substitute

The conference substitute is the same as the Senate amendment with respect to its amendment of subsection (a) of section 134 of title 23. With respect to subsection (b), it is similar to the Senate provision but instead of requiring the Secretary to take these actions, it authorizes him to do so and limits the monetary authorization to not to exceed \$500,000 out of the general fund.

STUDY OF RELATIONSHIP OF HIGHWAY CONSTRUCTION TO PUBLIC
TRANSPORTATION SERVICES*Senate amendment*

This section would direct the Secretary to study the relationship between the highway program and public transportation services which use highways. The report together with any recommendations is to be submitted to the Congress by February 1, 1972.

House bill

No comparable provision.

Conference substitute

Same as the Senate amendment except the reporting date is made January 1, 1972.

SAINT CLAIR RIVER BRIDGE

Senate amendment

This section permits certain Federal-aid highway funds paid to the State of Michigan for construction of the bridge and approaches over

the Saint Clair River at Port Huron, Michigan, to be repaid to the United States. They are then to be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". This repayment is to be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to Michigan. This amount so credited shall be in addition to all other funds then apportioned to the State and available for expenditure in accordance with title 23, United States Code. Upon this repayment being made, the bridge and its approaches are freed of all restrictions with respect to the imposition and collection of tolls or charges thereon in title 23 or in section 17(d) of the Act of August 30, 1935, or any regulation or agreement thereunder. Tolls or charges imposed and collected on such bridge or for the use thereof are not to exceed the amount necessary for proper maintenance, repair, and operation under economical management.

House bill

No comparable provision.

Conference substitute

This is the same as the Senate amendment.

BALTIMORE-WASHINGTON PARKWAY

Senate amendment

No comparable provision.

House bill

Authorized \$65,000,000 to reconstruct to six lanes the section of the Baltimore-Washington Parkway in Maryland to the Interstate System standards.

Conference substitute

The same as the House provision except that funding is from the Highway Trust Fund and before expending any funds there must be an agreement with Maryland, DOT, and Interior that on completion of the reconstruction Interior will convey the reconstructed section to the State of Maryland and the State of Maryland must agree before any funds are expended, to put this section on the Federal-aid primary system and thereafter to retain it on that system.

TITLE II

HIGHWAY SAFETY

Senate amendment

The Highway Safety Act of 1966 would be amended to provide that apportionment of safety funds to the States would be based 75 per centum on the population and 25 per centum on the public-road mileage in each State, but that no State would receive less than one-third of one per centum of the total apportionment.

House bill

The provisions of this section recognize the administrative reorganization of the Federal Highway Administration which occurred on March 22, 1970, and provides the statutory authority necessary to

establish a new National Highway Traffic Safety Administration, with an Administrator, at the same organizational level as the other Administrations within the Department of Transportation. The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration until the first Administrator is named.

Responsibilities for carrying out the provisions of the Highway Safety Act of 1966 are divided between the Federal Highway Administration and the National Highway Traffic Safety Administration, the same as has already been accomplished administratively by the Secretary.

The Highway Safety Act of 1966 provides that the funds authorized to be appropriated for fiscal years 1967, 1968, and 1969 for State and local highway safety programs be apportioned among the States 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion deems appropriate, and that thereafter funds for such safety programs shall be apportioned as Congress shall subsequently provide by law. This section authorizes the apportionment of funds to the States 75 per centum on the basis of population and 25 per centum on the basis of public road mileage.

After December 31, 1970, the Secretary shall not promulgate any standards for State and local highway safety programs that do not relate to safety program elements for which standards have been previously promulgated, unless specifically authorized to do so by statute hereafter enacted.

The appropriation of funds for carrying out the Highway Safety Act of 1966 are authorized separately for those functions to be administered through the Federal Highway Administration and through the Federal Highway Traffic Safety Administration as follows:

For highway safety programs administered by the National Highway Traffic Safety Administration, \$75 million for fiscal year 1972 and \$100 million for fiscal year 1973; and for highway safety programs administered by the Federal Highway Administration, \$30 million for each of such fiscal years, of which \$15 million is authorized to be appropriated from the Highway Trust Fund.

For highway safety research and development administered by the National Highway Traffic Safety Administration, \$30 million for fiscal year 1972 and \$45 million for fiscal year 1973; and for that administered by the Federal Highway Administration, \$10 million for each of the fiscal years.

Authorization for appropriations for fiscal years 1970 and 1971 is repealed, for no appropriations have been made, and none are planned to be made, under this authority.

Conference substitute

The conference substitute is the same as the provisions of the House bill with the following changes:

The Deputy Administrator will be appointed by the Secretary of Transportation with the approval of the President. The provision on apportionment of funds for State and local highway safety programs is amended to ensure that each State shall receive not less than one-third of 1 percent of the total apportionment.

The provision prohibiting promulgation of new standards after December 31, 1970, is amended to permit new standards but to require that at least 90 days prior to the effective date of a new standard it must be submitted to Congress.

The authorizations are amended as follows: For highway safety programs administered by the National Highway Traffic Safety Administration, \$75,000,000 for fiscal year 1972 and \$100,000,000 for the fiscal year ending June 30, 1973. For highway safety research and development administered by the National Highway Traffic Safety Administration, \$70,000,000 for the fiscal year ending June 30, 1972, and \$115,000,000 for the fiscal year ending June 30, 1973.

For highway safety programs administered by the Federal Highway Administration, \$30,000,000 per year for fiscal years 1972 and 1973, and for highway safety research and development and section 307(a) of title 23, United States Code, administered by the Federal Highway Administration, \$10,000,000 per fiscal year for fiscal 1972 and 1973.

In the case of each such authorization there is a requirement that two-thirds of all the funds authorized and expended under the paragraph in any fiscal year will be appropriated out of the Highway Trust Fund.

DEMONSTRATION PROJECTS

Senate amendment

No comparable provision.

House bill

This section authorizes the Secretary, in cooperation with the Governors of the States, to undertake demonstration projects for alcohol safety action programs including multidisciplinary crash investigation teams and demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project of each type shall be undertaken in any one State, and all such projects shall be completed by June 30, 1974.

The Secretary shall submit progress reports, with recommendations, to the Congress not later than June 30th of 1971, 1972, and 1973, and he shall submit a final report, with recommendations, to the Congress, not later than July 31, 1974.

There is authorized to be appropriated for the four-fiscal-year period ending June 30, 1974, out of the Highway Trust Fund, the following sums: (1) \$171.6 million for alcohol safety action programs; (2) \$35.2 million for multidisciplinary crash investigation teams; and (3) \$75 million for motor vehicle and traffic laws enforcement projects.

Conference substitute

The conference substitute does not contain this provision because of the action of the conferees with respect to the general authorizations for the highway safety programs.

HIGHWAY SAFETY PROGRAMS

Senate amendment

No comparable provision.

House bill

This section centralizes responsibility for State highway safety programs by requiring that, after December 31, 1971, the Governor of a

State shall be responsible for the administration of such programs through a State highway safety agency suitably organized and possessed of adequate powers to carry out such programs to the satisfaction of the Secretary.

Conference substitute

Same as the House provision with the requirement, however, that instead of a "State highway safety agency" the program be administered through a "State agency".

BRIDGE RECONSTRUCTION AND REPLACEMENT

Senate amendment

This section would establish a replacement program for bridges on any Federal-aid system which are no longer capable of safely handling traffic. A national priority inventory would determine which bridges should be replaced first. The priority would be based on safety and the economic importance of the structure to the area served. The Federal share payable for these projects would be up to 75 per centum, and \$150 million would be authorized out of the Highway Trust Fund for each of the fiscal years 1971, 1972 and 1973 for this program.

House bill

Each State is authorized to use not more than 10% and is required to use at least 5% (unless the Secretary determines that 5% exceeds the needs of the State) of all sums apportioned for the ABC program for fiscal year 1972 and each subsequent fiscal year to pay the Federal share of the cost of reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary or secondary system, if the existing bridge is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. It is estimated that this section will apply to approximately 465 bridges, the reconstruction or replacement of which will cost approximately \$2 billion.

The Federal share of the cost of any project for the reconstruction or replacement of a bridge under this section is 90%, or that applicable to the ABC program, whichever is the larger.

The Secretary is required to report annually to the Congress on projects approved under this section together with his recommendations relating to bridge reconstruction and replacement.

Conference substitute

The conference substitute is essentially the Senate provision expanded to include bridges over waterways generally rather than just those over major rivers and is expressly applicable to bridges which are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence and requires the classification of the inventory to be based on serviceability, safety, and essentiality for public use. In addition, the provisions of the General Bridge Act of 1946 are made applicable to bridges authorized to be constructed and reconstructed to replace unsafe bridges under this section.

The monetary authorizations are limited to fiscal years 1972 and 1973 at \$100,000,000 and \$150,000,000, respectively.

RAIL CROSSINGS

Senate amendment

No comparable provision.

House bill

This section authorizes the Secretary to carry out a demonstration project for the elimination of all public ground level rail-highway crossings along the route of the high-speed rail demonstration project between Washington, D.C. and Boston, Massachusetts; and a demonstration project for the elimination or protection of certain public ground level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

The Federal share for such work on a Federal-aid highway shall be 90% and the railroad's share shall be 10%. On a non-Federal-aid highway, the Federal share shall be 80%, the railroad's share be 10%, and the State's share be 10%.

The section authorizes \$9 million to be appropriated from the Highway Trust Fund to pay the Federal share of work done on Federal-aid highways and \$22 million from the general fund of the Treasury to pay the Federal share of work done on non-Federal-aid highways.

In addition, the Secretary shall, in cooperation with State highway department's conduct a study of the problem of providing increased highway safety at ground-level rail-highway crossings throughout the country, and report his findings and recommendations to the Congress not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized for carrying out highway research and planning under 23 U.S.C. 307 may be used to carry out this study.

Conference substitute

Same as the House bill.

ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

Senate amendment

No comparable provision.

House bill

Section 207 of the House bill amends existing law to require that not less than 5 percent of all sums apportioned to each State for the ABC program (unless the Secretary determines that a lesser amount will meet the needs of the State) shall be used for the use of railway-highway grade hazards.

Conference substitute

This does not contain this provision of the House bill.

TITLE III

Senate amendment

No comparable provision.

House bill

Title III of the House amendment extends the Highway Trust Fund for five years. It postpones for five years those tax reductions scheduled to take effect at the expiration of the Trust Fund under present law in 1972. It also extends for five years the provisions dealing with payments out of the Trust Fund, including payments to the land and water conservation fund.

Conference substitute

This is the same as the provisions of the House bill.

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JOHN C. KLUCZYNSKI,
JIM WRIGHT,
ED EDMONDSON,
WILLIAM C. CRAMER,
WILLIAM H. HARSHA,
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Managers on the Part of the House.











